



Chapter 22. Enforcement, Inspections, and Informant Rewards

Article 1. Inspection Authority, Designation of Enforcement Authority, and Awards

§66272.1. Inspections.

(a) The Director or any duly authorized representative of the Department may, at any reasonable hour of the day, do any of the following:

(1) enter a factory, plant, construction site, waste disposal site, transfer facility, establishment or any other area, place or environment where wastes are stored, handled, treated, processed, disposed of, or treated to recover resources, inspect the premises and gather evidence on existing conditions and procedures;

(2) carry out any sampling activities necessary to carry out chapter 6.5, commencing with section 25100, of division 20 of the Health and Safety Code, including obtaining samples from any individual or taking samples from the property of any person or from any vehicle which any authorized representative of the department or a local health officer reasonably believes has transported or is transporting hazardous waste. However, upon request, split samples shall be given to the person from whom, or from whose property or vehicle, the samples were obtained;

(3) stop and inspect any vehicle reasonably suspected of transporting hazardous wastes when accompanied by a uniformed police officer in a clearly marked vehicle;

(4) conduct tests, analyses and evaluations to determine whether the waste is hazardous waste or whether the requirements of chapter 6.5 of division 20 of the Health and Safety Code are met;

(5) photograph any waste, waste container, waste container label, vehicle, waste treatment process, waste disposal site, or condition constituting a violation of law found during an inspection;

(6) inspect and copy any records, reports, test results, or other information required to carry out chapter 6.5 of division 20 of the Health and Safety Code.

(b) During the inspection, the inspector shall comply with all reasonable security, safety and sanitation measures. In addition, the inspector shall comply with reasonable precautionary measures specified by the operator.

(c) A report listing any violations found during the inspection shall be prepared by the inspector and shall be kept on file in the Department. A copy of the report shall be provided to the operator.

(d) If corrections are needed, the operator shall provide to the Department, as directed, a written plan of correction which states the actions to be taken and the expected dates of completion.

(e) Upon request of the inspector, the operator of the facility being inspected shall retain evidence as instructed by the inspector for a period not to exceed 30 days.

NOTE: Authority cited: Sections 208, 25150 and 25187.7, Health and Safety Code; Section 58012, Governor's Reorganizational Plan # 1 of 1991. Reference: Sections 25150, 25185 and 25187.7, Health and Safety Code.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

2. Amendment adding heading for article 1 (sections 66272.1-66272.30) and amendment of NOTE filed 6-21-93; operative 6-21-93 pursuant to Government Code section 11346.2(d) (Register 93, No. 26).

§66272.10. Designation of Enforcement Authority.

(a) The Department may designate a local public officer to enforce the standards and regulations adopted by the Department pursuant to section 25150 of the Health and Safety Code if it is demonstrated to the satisfaction of the Department that:

(1) the prospective designee has appropriate jurisdiction and competency, facilities and personnel to perform the functions specified by the Department; and

(2) other activities of the governmental entity which the prospective designee represents will not compromise the designee's ability to enforce those regulations equitably and effectively.

(b) The Department may designate a local public officer to enforce all requirements of this division if it is demonstrated to the satisfaction of the Department that:

(1) the prospective designee can meet the requirements cited in (a) above;

(2) the prospective designee has countywide jurisdiction;

(3) the governmental entity which the prospective designee represents does not operate a hazardous waste facility;

(4) the prospective designee's personnel are qualified to the satisfaction of the Department;

(5) the prospective designee's laboratory support is adequate to determine whether wastes contain hazardous materials;

(6) the prospective designee's personnel will be able to provide adequate reviews, inspections, and monitoring of hazardous waste and enforcement of the requirements of this division.

(c) The Department shall not authorize a local public officer to enforce any requirement of this division if such person does not meet the requirements specified in (a) above.

(d) The Department shall not authorize a local public officer to enforce all requirements of this division if such person does not meet the requirements specified in (b) above.

NOTE: Authority cited: Section 25150 and 25187.7, Health and Safety Code. Section 58012, Governor's Reorganizational Plan #1 of 1991. Reference: Sections 25180 and 25187.7, Health and Safety Code.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Amendment of section heading, subsections (a) and (a)(1) and NOTE filed 6-21-93; operative 6-21-93 pursuant to Government Code section 11346.2(d) (Register 93, No. 26).

§66272.20. Rewards for Informants.

(a) An application for reward under the provisions of section 25191.7 of the Health and Safety Code shall be submitted to the Department or the county not later than 60 days after a final judgment has been entered or 60 days after the period for appeal of a judgment has expired.

(b) An application for a reward to be paid by the Department pursuant to section 25191.7(a) of the Health and Safety Code shall be filed on a form provided by the Department (DHS 8073, revised 6/83) and shall be signed with the applicant's name.

(c) The Department and counties shall not disclose the names of informants or reward applicants unless such names are otherwise publicly disclosed, as part of a judicial proceeding.

NOTE: Authority cited: Section 25191.7, Health and Safety Code. Reference: Section 25191.7, Health and Safety Code and Sections 6254 and 6255, Government Code.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66272.30. Award and Payment of Reward Claims.

(a) In determining whether the applicant supplied information that materially contributed to the imposition of judgments against persons for violations specified in section 25191.7 of the Health and Safety Code, the Department or the county shall consider, but shall not be limited to considering the following factors:

(1) the validity of the information;
(2) the nature and extent of detail supplied, including, as available, dates, times, places, names, and other details;

(3) the date and time of receipt of the information;
(4) information regarding the reported violation(s) possessed by the Department or the county prior to receipt of the applicant's information;
(5) the nature of the reported violations as compared with other violations alleged in the civil or criminal complaint; and

(6) the findings in the judgment.
(b) The Department or the county shall notify the applicant in writing of its decision to grant or deny a reward.

(c) Decisions by the Department or the county to grant or deny rewards shall be final.

(d) Approved reward claims shall be paid in accordance with subdivisions (a) and (b) of section 25191.7 of the Health and Safety Code. Successful reward applicants shall be paid by check within 30 days of collection and deposit of the penalties described in section 25191.7(a) or (b).

NOTE: Authority cited: Section 25191.7, Health and Safety Code. Reference: Section 25191.7, Health and Safety Code.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).